

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HOOPA VALLEY TRIBE,

Plaintiff,

v.

UNITED STATES BUREAU OF
RECLAMATION, et al.,

Defendants.

Case No. 1:20-cv-01814-JLT-EPG

ORDER RE: PLAINTIFF'S FIRST
AMENDED COMPLAINT

(ECF No. 97)

This matter is before the Court on Plaintiff's first amended complaint. (ECF No. 97). The Court previously addressed Plaintiff's desire to file a first amended complaint in its August 15, 2022 order, noting that it was then uncertain whether Defendants would stipulate to Plaintiff being granted leave to amend or whether Defendants would oppose amendment. (ECF No. 91). The Court's order gave Plaintiff a deadline of October 31, 2022, to file a motion for leave to amend.

On October 31, 2022, Plaintiff filed a first amended complaint, not a motion for leave to amend. (ECF No. 97). However, the caption of the first amended complaint states that it was "[f]iled with written consent of all Defendants per FRCP 15(a)(2)." (ECF No. 97, p. 1). The first amended complaint, with exhibits, is over 500 pages long. Upon review, the Court does not see where "the opposing party's written consent" is contained within the first amended complaint or elsewhere on the docket. *See* Fed. R. Civ. P. 15(a)(2).

1 The Court believes it prudent to direct Plaintiff to file the written consent of record so that
2 the docket properly reflects the parties' agreement that Plaintiff be permitted to proceed on the
3 first amended complaint.

4 Accordingly, IT IS ORDERED that, by no later than November 9, 2022, Plaintiff shall file
5 proof of Defendants' written consent for leave to file the first amended complaint.

6 IT IS SO ORDERED.

7
8 Dated: November 2, 2022

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE